

REMARKS

In response to the final Office Action dated September 2, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 21-53 are pending in this application. Claims 1-20 were previously canceled.

Rejection of Claims under § 103 (a) over *Hendricks*

Claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,463,585 to *Hendricks et al.*

Hendricks, however, does not render these claims obvious. These claims recite, or incorporate, many features that are not disclosed or suggested by *Hendricks*. Independent claim 21, for example, recites “*merging the content information with the subscriber actions to generate an event timeline describing the content information and the subscriber actions over a period of time.*” Support may be found at least in U.S. Application 09/496,825 to Grauch, *et al.* at column 2, lines 55-56, at column 6, lines 23-25, throughout columns 7 and 8, at column 19, lines 48-55, and at FIG. 6B, which is incorporated by reference. Independent claim 21 also recites “*predicting, based on the event timeline, data that will describe the subscriber's purchasing habits.*” Support for these features may be at least at paragraphs [0064] and [0070] of the as-filed application. Independent claims 27, 32, and 53 recite similar features.

Hendricks does not obviate all these features. As the Assignee has already explained, *Hendricks* gathers click stream information to predict what “feeder channel” will most satisfy a viewer. *Hendricks* explains “Event Logs” and “Viewer Logs.” U.S. Patent 6,463,585 to *Hendricks et al.* at column 47, lines 33-60. Even so, *Hendricks* is entirely silent to “*predicting, based on the event timeline, data that will describe the subscriber's purchasing habits.*” One of ordinary skill in the art, then, would not think that independent claims 21, 27, 32, and 53 are obvious over *Hendricks*.

Claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53, then, are not obvious. Independent claims 21, 27, 32, and 53 recite many features that are not taught or suggested by *Hendricks*. Their respective dependent claims incorporate these features and recite additional features. The Office is thus respectfully requested to remove the § 103 (a) rejection of claims 21-25, 27-30, 32-36, 38-44, 48, and 50-53.

Rejection of Claims under § 103 (a) over *Hendricks & Ludtke*

Claims 37, 45-47, and 49 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Hendricks* in view of U.S. Patent 6,202,210 to *Ludtke et al.* These claims are all dependent upon their respective base claim and, thus, incorporate the same distinguishing features. As the Assignee explained above, *Hendricks* is silent to at least “*predicting, based on the event timeline, data that will describe the subscriber’s purchasing habits.*” The patent to *Ludtke et al.* does not cure these deficiencies. The Office alleges that *Ludtke* teaches monitoring of viewer histories from alternate sources. Whether or not the Office’s assertion is true, the proposed combination of *Hendricks* and *Ludtke* still fails to teach or suggest all the features of independent claims 21 and 32. One of ordinary skill in the art, then, would not find it obvious to modify the teachings of *Hendricks* and *Ludtke* to obviate claims 37, 45-47, and 49. Because the proposed combination of *Hendricks* and *Ludtke* does not teach or suggest all the claimed features, the § 103 (a) rejection of claims 37, 45-47, and 49 must be removed.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman". The signature is stylized with large, sweeping loops and a prominent "S" at the beginning.

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